

05-9264 JAMES V. UNITED STATES

DECISION BELOW:430 F3d 1150

LOWER COURT CASE NUMBER: 04-12915

QUESTIONS PRESENTED:

I. Whether the Eleventh Circuit erred by holding that a state drug conviction, which did not necessarily involve manufacturing, distributing, or possessing with intent to manufacture or distribute, qualified as a serious drug offense under 18 U.S.C. § 924 (e), in violation of *Taylor v. United States*, 495 U.S. 575 (1990), and *Shepard v. United States*, 544 U.S. 13 (2005).

II. Whether the Eleventh Circuit erred by holding that all convictions in Florida for attempted burglary qualify as a violent felony under 18 U.S.C. § 924(e), creating a circuit conflict on the issue.

III. Whether the felon-in-possession statute, 18 U.S.C. § 922(g), is facially invalid because Congress failed to define commerce as interstate or foreign commerce. Additionally, whether the statute is unconstitutional because Congress acted beyond the power of the commerce clause by failing to require a substantial nexus.

CERT. GRANTED 6/12/2006

LIMITED TO QUESTION 2 PRESENTED BY THE PETITION.